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Bottorff

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Grand Adventures Tour & Travel Publishing Corporation

Serial No. 75/909,325

H. Dale Langley, Jr. of The Law Firm of H. Dale Langley, Jr., P.C. for Grand Adventures Tour & Travel Publishing Corporation.

Won T. Oh, Trademark Examining Attorney, Law Office 114 (K. Margaret Le, Managing Attorney).

Before Quinn, Chapman and Bottorff, Administrative Trademark Judges.

Opinion by Bottorff, Administrative Trademark Judge:

Applicant has applied to register INTERLINE TRAVELREPS (in typed form; TRAVELREPS disclaimed) for services recited in the application, as amended, as "travel agency services, namely, making reservations and bookings for transportation by means of a global computer network" in Class 39, and

"travel agency services, namely, making reservations and bookings for temporary lodging by means of a global computer network" in Class 42.¹

The Trademark Examining Attorney has issued a final refusal of registration, on the ground that the mark is merely descriptive of the recited services. See Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1). Applicant has appealed the final refusal.²

Applicant and the Trademark Examining Attorney filed opening briefs, but applicant did not file a reply brief and did not request an oral hearing. We affirm the refusal as to the Class 39 services, but reverse the refusal as to the Class 42 services.

A term is deemed to be merely descriptive of goods or services, within the meaning of Trademark Act Section 2(e)(1), if it forthwith conveys an immediate idea of an ingredient, quality, characteristic, feature, function, purpose or use of the goods or services. See, e.g., *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987), and

¹ Serial No. 75/909,325, filed February 3, 2000. The application is based on applicant's asserted bona fide intention to use the mark, under Trademark Act Section 1(b), 15 U.S.C. §1051(b).

² Applicant paid the appeal fee for only one class. Pursuant to the authorization granted by the cover letter accompanying applicant's notice of appeal, applicant's counsel's deposit account will be charged the additional required \$100.00 appeal fee.

In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215, 217-18 (CCPA 1978). A term need not immediately convey an idea of each and every specific feature of the applicant's goods or services in order to be considered merely descriptive; it is enough that the term describes one significant attribute, function or property of the goods or services. See *In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982); *In re MBAssociates*, 180 USPQ 338 (TTAB 1973).

Whether a term is merely descriptive is determined not in the abstract, but in relation to the goods or services for which registration is sought, the context in which it is or would be used on or in connection with those goods or services, and the possible significance that the term would have to the average purchaser of the goods or services because of the manner of its use; that a term may have other meanings in different contexts is not controlling.

In re Bright-Crest, Ltd., 204 USPQ 591, 593 (TTAB 1979).

Finally, "[w]hether consumers could guess what the product [or service] is from consideration of the mark alone is not the test." *In re American Greetings Corporation*, 226 USPQ 365, 366 (TTAB 1985).

Applying these principles in the present case, we find that INTERLINE TRAVELREPS is merely descriptive of the Class 39 services recited in the application, i.e., "travel

agency services, namely, making reservations and bookings for transportation by means of a global computer network."

First, we find that TRAVELREPS is the legal equivalent of TRAVEL REPS, which itself would immediately be perceived by consumers as the equivalent of TRAVEL REPRESENTATIVES, a term which is merely descriptive as applied to travel agency services. "Agent" and "representative" are essentially synonyms,³ and "travel representative" likewise would be viewed as being synonymous with "travel agent." Applicant has not contended otherwise, and in fact has disclaimed the exclusive right to use TRAVELREPS.⁴

³ We take judicial notice that "agent" is defined, *inter alia*, as "one that acts as the representative of another," and that "representative" is defined, *inter alia*, as "a delegate or agent for another." Webster's II New Riverside University Dictionary (1988) at pp. 85 and 998. The Board may take judicial notice of dictionary definitions. See, e.g., *University of Notre Dame du Lac v. J. C. Gourmet Food Imports Co.*, 213 USPQ 594 (TTAB 1982), *aff'd*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983); see also TBMP §712.01.

⁴ In finding that TRAVELREPS is merely descriptive, we have not relied on the Nexis evidence submitted by the Trademark Examining Attorney showing use of "travel rep." All of those Nexis articles are from foreign (United Kingdom) publications, and they therefore are not probative evidence of how the term is perceived in the United States. See *In re Consolidated Cigar Corp.*, 13 USPQ2d 1481 (TTAB 1989). (These articles show that the term "travel rep" has a specific meaning in the U.K.; it refers to a person (usually of college age) who is employed (by an airline or tour operator, for example) as a guide or aide to travelers on holiday. However, we have disregarded this foreign meaning of the term in our analysis of the mere descriptiveness of applicant's mark, because there is no evidence that the term is used in the United States in this manner or that the purchasing public in the United States is aware of this meaning of the term.)

Second, we take judicial notice of the following relevant dictionary definition⁵ of the word "interline": "adj. : relating to, involving, or carried by two or more transportation lines." Also, the following excerpts of articles obtained from the Nexis database (and made of record by the Trademark Examining Attorney) show that "interline" has a specific meaning and usage in the context of airline ticketing and reservations:

- from the June 16, 2000 issue of Aviation Daily; emphasis added):

HEADLINE: United, Air Canada Begin **Interlining** Electronic Tickets

BODY: United and Air Canada began linking their electronic ticketing service this week, making it possible for customers to use a single electronic ticket for travel on both carriers. The **interline** service claims to be the first electronic ticketing initiative that links two different airline computer reservations systems.

...Canada code-share flights operated by either carrier. Previously, customers were required to have an individual e-ticket issued by each airline. Later this year, the new United-Air Canada **interline** electronic service also will be available on Canadian Airlines' flights. In May, more than 60% of tickets used by United passengers were electronic. Initially, United-Air Canada **interline** e-tickets will be available only when booked directly through the airlines' reservations center or ticket office. Travel agency functionality to offer the e-

⁵ Webster's Third New International Dictionary (1993) at 1179.

tickets will be introduced sometime in the fourth quarter.

- from the June 16, 2000 edition of the Chicago Tribune; emphasis added):

E-ticket link: United Airlines, which two years ago broadcast its plans to develop an electronic **interline** ticketing service with rival American Airlines, conceded this week that effort no longer is on the airline's front burner. Instead, the carrier announced that it has developed an **interline** service with Air Canada, which happens to be a member of the United-dominated Star Alliance and is not a competitor.

...Creating an **interline** process is important because of the increasing numbers of passengers who are flying with electronic tickets.

Based on this evidence, we find that the word INTERLINE, as it appears in applicant's mark and as it is used in connection with applicant's recited Class 39 services, merely describes a feature, characteristic or component of those services. "Making of reservations and bookings for transportation," as recited in the application, legally encompasses the making of airline reservations, including airline reservations for customers whose trips involve travel on more than one airline and who wish to obtain a single electronic ticket for the entire trip, rather than having to obtain a separate ticket issued by each carrier. The Nexis evidence quoted above shows

that such tickets are called "interline tickets." The word INTERLINE in applicant's mark immediately informs purchasers that applicant, as part of its travel agency services, offers or facilitates interline ticketing services of the type discussed in the Nexis articles.⁶

Finally, we find that applicant's combining of the merely descriptive terms INTERLINE and TRAVELREPS does not result in a composite which is incongruous, unusual or otherwise inherently distinctive. INTERLINE TRAVELREPS, as applied to applicant's Class 39 services, immediately informs purchasers that applicant renders travel agency services, including interline ticketing services, through travel agents or representatives.

For the reasons discussed above, we find that INTERLINE TRAVELREPS is merely descriptive of the Class 39 services recited in the application. We have carefully considered all of applicant's arguments to the contrary (including any arguments not specifically discussed in this decision), but are not persuaded that the Trademark

⁶ It is immaterial that the actual services that applicant renders or intends to render under the mark might not include or involve the booking of interline tickets. Our mere descriptiveness determination must be made on the basis of the services as recited in the application, and the booking of interline tickets is legally encompassed within applicant's recitation of services.

Examining Attorney's refusal should be reversed as to Class 39.

However, although we have found that INTERLINE is merely descriptive in the context of the transportation-related services recited in Class 39, the evidence of record does not establish that the term is merely descriptive in the context of the Class 42 "temporary lodging" reservations services recited in the application. In view thereof, we reverse the mere descriptiveness refusal insofar as it applies to applicant's Class 42 services.

Decision: The refusal to register is affirmed as to Class 39, but reversed as to Class 42. The application will be forwarded to publication as to Class 42.